

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

|          |  |      |                   |
|----------|--|------|-------------------|
| Case No. | CV15-6257 PA (AGR)                                 | Date | December 14, 2015 |
| Title    | ABS Entertainment, Inc. v. CBS Corporation, et al. |      |                   |

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| Present: The Honorable | PERCY ANDERSON, UNITED STATES DISTRICT JUDGE |
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|-----------------------------------|-------------------|-----------------------------------|
| Stephen Montes Kerr               | Shayna Montgomery | N/A                               |
| Deputy Clerk                      | Court Reporter    | Tape No.                          |
| Attorneys Present for Plaintiffs: |                   | Attorneys Present for Defendants: |
| Lawrence M. Hadley                |                   | Robert M. Schwartz                |
|                                   |                   | Victor Jih                        |

**Proceedings:** SCHEDULING CONFERENCE

A scheduling conference is held. The Court and counsel confer about the case.

Dates set by the Court in this action are listed in the "Schedule of Trial and Pretrial Dates" attached to this order. The dates set by the Court are firm dates. Absent extraordinary circumstances, which must satisfy the requirements of Federal Rule of Civil Procedure 16(b) and be brought to the Court's attention in a timely manner, the Court will not modify these dates.

Initially, the Court will entertain a motion for summary judgment on Defendants' assertion that they have only broadcast digitally re-mastered or re-issued recordings which were created after February 15, 1972; and that their broadcast of such works is governed by federal copyright law rather than California state law. The parties may conduct limited discovery necessary to address these issues. The briefing schedule for Defendants' motion is as follows: the motion shall be filed by February 29, 2016; any opposition shall be filed by March 14, 2016; and the reply, if any, shall be filed by March 21, 2016. The motion shall be noticed for April 4, 2016, at 1:30 p.m. The initial motion for summary judgment will not address whether California copyright law protects an exclusive right to public performance of pre-1972 sound recordings.

Pursuant to the agreement of the parties, this matter has been referred to private mediation. The parties have fourteen (14) days to select a mediator who has no conflicts and is otherwise available to act as the settlement officer in this matter. If the parties are unable to agree on a mediator, each side shall submit to the Court the name of a mediator who agrees to act as the settlement officer. The Court will then randomly select the settlement officer.

The Court will issue a protective order.

IT IS SO ORDERED.

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Initials of Deputy Clerk

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**CASE NO.:** CV 15-06257

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**PARTIES:** ABS Entertainment, Inc.  
-v-  
CBS Corporation, et al.

**COMPLAINT FILED:** 08/17/15

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**TRIAL TYPE:** Jury

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**SETTLEMENT CHOICE:**

Court/Magistrate  
Court's Mediation Panel  
Private Dispute Resolution  X  
Judicial Settlement Panel

| <b>DATE</b> | <b>MATTER</b>  |
|-------------|--|
| 12/13/16    | Jury Trial at 9:00 a.m.  |
| 12/08/16    | File Final Trial Exhibit Stipulation   |
| 12/05/16    | Hearing on Motions in Limine at 1:30 p.m.<br>Hearing on Disputed Jury Instructions at 1:30 p.m.  |
| 11/18/16    | Final Pretrial Conference at 1:30 p.m.<br>Motions in Limine to be Filed<br>Proposed Voir Dire Questions & Agreed-to Statement of Case  |
| 11/04/16    | Lodge Pretrial Conference Order & Pretrial Exhibit Stipulation<br>File Contentions of Fact & Law<br>Exhibit & Witness Lists<br>File Joint Status Report Regarding Settlement<br>File Agreed Upon Set of Instructions & Verdict Forms<br>File Joint Statement Regarding Disputed Instructions, Verdicts, etc. |
| 10/24/16    | Last Date to Conduct Settlement Conference   |
| 10/17/16    | Last Day for Hearing Motions   |
| 10/03/16    | Discovery Cut-off  |
| 03/07/16    | Last Day for Hearing on Motion to Amend Pleadings or Add Parties   |